



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

November 22, 2019

BY ECF AND EMAIL

Hon. Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

USDC SDNY
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Re: *United States v. Jorge Gonzalez*, 15 Cr. 537 (VEC)

Dear Judge Caproni:

Pursuant to this Court's Order of November 4, 2019 (Dkt. 1415), the Government writes, with the concurrence of counsel for defendant Jorge Gonzalez (Kelley J. Sharkey, Esq.), to inform the Court regarding the status of the Government's discussions with defendant Gonzalez to resolve his motion filed November 1, 2019 (Dkt. 1414) to vacate his conviction for violating Title 18, United States Code, Sections 924(c) and 2 and sentence in light of the Supreme Court's recent decision in *United States v. Davis*, 2019 WL 2570623 (U.S. Jun. 24, 2019). The Government has extended a plea offer to Gonzalez through his counsel, under which the Government and Gonzalez would agree to the vacatur of his Section 924(c) conviction and sentence insofar as they have been rendered subject to invalidation by *Davis*, and Gonzalez would plead guilty to a superseding criminal information with a different charge covering his offense conduct in this case and be resentenced by this Court. To give Gonzalez and his attorney sufficient time to consider and discuss the plea offer that has been extended to Gonzalez to resolve the issues raised by his pending *Davis*-motion, the parties respectfully request leave to file a further status report on or before December 13, 2019.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

By: /s/
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Cc: All counsel of record (via ECF)

Application GRANTED.

SO ORDERED. Date: 11/25/2019

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE